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SIPDIS

STATE FOR SCA/FO (PMOON), SCA/A (NANGHA), S/WCI
(JBROUSSARD), L/PM (SPOMPER)
NSC FOR JWOOD
OSD FOR MSTAMILIO
CENTCOM FOR CG CJTF-101, POLAD, CSTC-A, SOUTHCOM, JTF-GTMO

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TAGS: [KAWC](#) [MARR](#) [PGOV](#) [PHUM](#) [PINS](#) [PREL](#) [PTER](#)
SUBJECT: WILLIAMSON-HODGKINSON: MOVING FORWARD ON
TRANSFERRING GUANTANAMO DETAINEES

Classified By: Ambassador William B. Wood, Reasons 1.4 (b) and (d)

11. (U) Summary: On September 6-7, Ambassador-at-Large for War Crimes Issues Clint Williamson and DOD Deputy Assistant Secretary for Detainee Affairs Sandra Hodgkinson led a delegation to Afghanistan to discuss the way forward for a number of remaining detainees at Guantanamo Bay (GTMO). End summary.

GIROA MEETINGS

12. (S) On September 7, the delegation met with newly-appointed Attorney General Ishaq Aloko and raised the possibility of transferring the remaining 14 Afghan national detainees at GTMO, who have not yet been approved for transfer, but could be transferred to the GIROA with appropriate security assurances. Aloko expressed satisfaction with current transfer procedures, noting that in certain circumstances it is difficult for the GIROA to prosecute individuals if the information in their files is based solely on intelligence and does not contain sufficient criminal evidence. He further noted that in other circumstances, he faces political pressure from the President's office to release certain individuals who might otherwise be prosecuted. Aloko expressed support for detaining dangerous terrorists, as well as his desire to work with the USG on these cases on an individual basis. However, when pressed on providing additional security measures such as monitoring parole, placing travel restrictions, and using the law of war/security detention authority laid out in the Attorney General Sabit letter of 2007, he indicated it might be best to keep the individuals at GTMO. The delegation emphasized the need to work together toward a common solution.

13. (S) Aloko went on to express concern over three individuals currently detained at the Bagram Theater Internment Facility (BTIF) whose release President Karzai ordered several months ago. Embassy, CSTC-A, and CJTF-101 have worked this issue with Aloko for some time; however, the issue remains unresolved and Aloko insists that these individuals are innocent and should be released.

14. (S) The delegation then raised with Aloko the detention of 17 Uighurs, all of whom voluntarily resided at Afghanistan either at the time of or at some point prior to their

capture, as well as seven other individuals who cannot be returned to their home countries due solely to humane treatment concerns. Aloko indicated that the delegation should raise the issue with the MFA and National Security Advisor Dr. Zalmay Rassoul, but stated that he would provide legal support in his capacity as Attorney General.

¶5. (S) In their meeting with NSA Rassoul, the delegation first raised the transfer of remaining Afghan nationals at GTMO. Rassoul expressed support for the current process, and said that GIROA is prepared to accept any/all Afghan nationals who are transferred through the current process. He encouraged the USG to continue to work with Aloko on legal details regarding detainee transfers. He saw no problems with the proposal to provide additional security measures, and stated that there are a series of security measures that could be taken to result in the transfer of the remaining Afghans. He did not indicate his view on the possibility of law of war/security detention for these individuals.

¶6. (S) When asked about the possible re-settlement of the Uighurs and other humane treatment case detainees in Afghanistan, Rassoul expressed skepticism but indicated that he does not have the authority to make a final decision on the matter. He promised to raise the issue with President Karzai and noted that re-settling these individuals could hurt bilateral relationships with China and Uzbekistan. He pointed out that Afghanistan relies on these states for cooperation on a wide range of issues, but particularly on counterterrorism efforts. After explaining the need for a rapid decision on behalf of GIROA, he promised to act within a 30-day time period.

¶7. (S) Rassoul then raised concern regarding civilian casualties in Afghanistan. Rassoul stated that he believes this is not just a humanitarian issue, but also a political one, and noted that any success thus far in Afghanistan has been due to the fact that Afghans support the Coalition. He underscored that Afghan support is critical to future success in the War on Terror. He also asked for increased coordination on operations and intelligence gathering, citing faulty intelligence for the recent attack in Shindand. He noted that there had been a decline in civilian casualties until two or three recent incidents reversed the positive trend. Ambassador Williamson and DASD Hodgkinson assured him that the issue of civilian casualties is of the utmost importance to both DOS and DOD, and reiterated that they would relay his message back to Washington.

THE WAY AHEAD

¶8. (S) The Embassy will follow-up with both Aloko and Rassoul on these issues. The delegation recommends that the issues also be raised by Secretary Gates during his upcoming visit, and that consideration be given to raising them when POTUS and Karzai meet on the margins of UNGA if there is a strong desire for timely resolution.
WOOD